

Preliminary Design and Environmental Review

Section 2.3 of SDOT, SPU and SPU MOA

~~The PARTIES understand that environmental review of the proposed PROJECT is underway at the date of this agreement and agree that if an alternative other than the Proposed Bored Tunnel is selected, this agreement may be terminated pursuant to the provisions of Section 21 herein.~~

The PARTIES understand that environmental review of the proposed PROJECT is underway at the date of this Agreement and agree that only preliminary design work and other work outlined in 23 CFR 636.109(b)(2) may proceed under this Agreement prior to issuance of a Final SEPA/NEPA Environmental Impact Statement (FEIS) and federal Record of Decision (ROD). If an alternative other than the Proposed Bored Tunnel is selected, this Agreement will be terminated pursuant to the provisions of Section 28 of this Agreement. If the Proposed Bored Tunnel is selected, the remaining work under this Agreement other than preliminary design work may proceed no sooner than after issuance of the ROD and only after WSDOT and the City Council each provide notice to the other that it wishes to proceed with the Agreement. WSDOT will provide Notice to Proceed 2, which authorizes final design and construction, to the Design Builder only after issuance of the ROD.

Section 6 of Council Bill 117101

The City Council is authorized to decide whether to issue the notice referenced in Section 2.3 of each Agreement. That decision shall be made at an open public meeting held after issuance of the Final Environmental Impact Statement.

Program Completion

Section 2.11 SDOT MOA

2.11 The PARTIES agree that the PROGRAM will not be complete until the elements in Exhibit D are completed. ~~The PARTIES agree that the current WSDOT budget allocated for certain elements of the PROGRAM is reflected in Exhibit D. Future mutual agreement of the PARTIES shall be required in order to reduce the total budget allocation for the elements in Exhibit D.~~ The PARTIES agree that the current scope identified for certain elements of the PROGRAM is reflected in Exhibit D. Future mutual agreement of the PARTIES shall be required in order to reduce or substantially alter the scope outlined in Exhibit D. WSDOT shall provide the City with quarterly updates regarding the PROJECT and PROGRAM budget to ensure timely negotiation of scope issues.

Revised Exhibit D

EXHIBIT D TO MEMORANDUM OF AGREEMENT NO. GCA 6486

1. Relocated surface street within existing City right-of-way between South King Street and Battery Street consisting of the following three segments: 1) Relocated and reconstructed Alaskan Way between King Street and Pike Street with the necessary elements to accommodate efficient and safe cross traffic movements; 2) a new surface street climbing the hill west of the Pike Place Market from the intersection of Pike Street and Alaskan Way to the intersection of Blanchard Street and Elliot Avenue, including a bridge crossing over the BNSF mainline; 3) final connections from Alaskan Way to Elliott and Western Avenues between Blanchard Street and Battery Street. These streets will be designed to serve all anticipated users, including automobiles, transit, freight, bicycles and pedestrians
2. Demolition, salvage and recycling of the existing Alaskan Way Viaduct and access ramps between S King Street and the Battery Street tunnel;
3. Demolition of the on and off ramps to the existing viaduct at Columbia and Seneca Streets and associated restoration of Columbia and Seneca Streets between Alaskan Way and First Avenue.
4. Replacement, rehabilitation or protection-in-place of the Marion Street pedestrian bridge, as determined feasible, consistent with Item #1 above, and in consideration of the demolition method(s) of the Alaskan Way Viaduct in Item #2 above.
5. North and south tunnel ventilation buildings which will be designed in accordance with Section 8 – Urban Design, as stipulated in this agreement;
6. Re-establishment of the City street grid in the vicinity of the portals: John, Thomas and Harrison Streets between Dexter Avenue N and 6th Avenue N; Denny Way between Dexter Avenue N and 6th Avenue N; S. Dearborn Street between Alaskan Way and 1st Avenue S;
7. Battery Street Tunnel decommissioning, including any associated restoration of Battery Street between the Denny Way tunnel portal and Elliot Avenue that is necessary specifically due to the tunnel decommissioning method;
8. Total WSDOT budget allocated for PROGRAM elements listed in items 1 through 7 above is estimated at: \$380 million.

Original Exhibit D

EXHIBIT D TO MEMORANDUM OF AGREEMENT NO. GCA 6486

1. Relocated surface street within the Alaskan Way right- of-way from South King Street to Pine Street, a new surface street from the intersection of Pine Street and Alaskan Way to Battery Street, and connecting Alaskan Way to Elliott and Western Avenues;
2. Demolition of the existing Alaskan Way Viaduct;
3. North
4. and south tunnel ventilation buildings;
5. Re-establishment of the City street grid in the vicinity of the portals (e.g. Harrison, John, Thomas, and comparable southend streets); and
6. Battery Street Tunnel decommissioning.
7. Total WSDOT budget allocated for PROGRAM elements listed in lines 1 through 5 above: \$380 million.

Tolling Committee

Section 2.12 of SDOT MOA

The PARTIES recognize that the STATE proposes to toll the bored tunnel as part of the PROJECT, if the tunnel is selected as the preferred alternative. The STATE agrees to evaluate and work with the CITY (in advance of tolls being imposed, during toll implementation, and for a mutually agreeable period thereafter) to identify mitigation strategies for the effects that tolling may have with respect to diversion of vehicular traffic from the PROJECT onto CITY Streets. The STATE agrees that such evaluation and mitigation shall include effects on both vehicular traffic circulation on CITY streets as well as effects on CITY's ability to achieve its "Complete Streets" policy goals articulated in CITY's Resolution No. 30915, including but not limited to making CITY streets function well for bicycles, pedestrians, freight, transit and automobiles. ~~The PARTIES agree to establish an advisory committee to assess and make recommendations to mitigate traffic diversion impacts caused by tolling of the proposed bored tunnel. The committee will be composed of representatives from the STATE, the CITY, transit agencies, and downtown communities and businesses, and will provide its recommendations to the Governor, State Legislature and State Transportation Commission. The PARTIES will mutually agree on membership of the committee, and the frequency and structure of committee meetings. The meetings will be jointly facilitated by the CITY and the STATE. Exhibit E contains the details of the Tolling Committee and is incorporated by reference herein.~~ *(Exhibit E is then all new language.)*

Exhibit E

Advisory Committee on Tolling & Traffic Management

Charge: Make advisory recommendations to WSDOT, the Governor, the Legislature, the Transportation Commission, the Federal Highway Administration (FHWA), the Seattle City Council, and the Seattle Mayor on strategies for: (1) tolling the SR99 bored tunnel, (2) minimizing traffic diversion from the tunnel due to tolling, and (3) mitigating traffic diversion effects on city streets and I-5. These recommendations may be implemented by the State, City of Seattle, Port of Seattle, and/or King County as appropriate. Authority for tolling will require action by the State Legislature, while tolling rates are within the purview of the Transportation Commission.

Staffing: The Advisory Committee will be staffed by managers or policy level staff from WSDOT, SDOT, Port of Seattle, King County, and Council central staff. Staffing will be supported by technical staff from each of the agencies and/or consultant support. The role of staff will be to manage the Advisory Committee's work plan, develop a schedule, frame issues, and review and format technical data for the Advisory Committee's review. WSDOT and the City of Seattle will manage resources from the state's Alaskan Way Viaduct and Seawall Replacement Program budget to cover mutually agreeable staffing and consultant costs to support the Advisory Committee. State and City will jointly facilitate these meetings.

Membership: The Advisory Committee will be comprised of up to 15 members. The Mayor; Seattle City Council; and WSDOT will each appoint one-third of the members. All members will be confirmed by Council. Advisory Committee membership should represent the following types of interests: Freight, retail, drivers, labor, bicycle and pedestrian interests, large employer, waterfront business, adjacent and affected neighborhoods, transit riders, low-income, and others.

Timeline: The Advisory Committee will begin work in March 2011, and it will submit its initial tolling and diversion minimization recommendations by June 2012. Interim milestones will be established by the staff in conjunction with the Advisory Committee members.

The Advisory Committee is expected to continue working to refine its analysis and recommendations through December 2015 (when the deep bored tunnel is scheduled to open to traffic and toll implementation begins). The Advisory Committee will continue its work for up to one year after tolling begins to review the effects of the implemented tolling and diversion minimization strategies and to make further recommendations.

Scope of Work:

The work of the Advisory Committee will take place through an iterative process of reviewing financial goals, assessing the impact of different tolling strategies on traffic using the SR 99 bored tunnel, and evaluating a range of strategies to minimize diversion. The tasks of the committee will include:

1. Review anticipated traffic impacts on city streets and I-5 for different tolling scenarios.
2. Explore ways to:
 - a. Refine the tolling strategy for the SR 99 bored tunnel, including considering variable toll rate, and regional tolling and/or tolling of other state and city facilities.
 - b. Reduce the level of toll revenue to the bored tunnel project by identifying alternative funding source(s).
 - c. Optimize the tolling strategy for the SR 99 bored tunnel to balance accomplishing state funding goals while minimizing diversion of traffic.
3. Assess various strategies for minimizing and mitigating adverse effects of traffic diversion from tolled SR99 onto city streets through optimizing traffic flows and/or restricting or limiting traffic, including, but not limited to:
 - a. Setting priorities for street use by time of day for various users (cars, trucks, bicycles, pedestrians, transit, parking consistent with City's complete streets policy goals;
 - b. Identify opportunities for traffic calming, and other restrictions on certain modes of travel;
 - c. Creating "transit first" policies through transit priority streets and other methods to improve transit speed and reliability;
 - d. Using other traffic demand management measures;
 - e. Funding enhanced transit services and vanpools.
4. Assess various strategies for minimizing and mitigating diversion of traffic onto I-5 and other state facilities through optimizing traffic flow and/or restricting or limiting traffic, including, but not limited to:
 - a. Modifying I-5 operations, including the express lanes and on and off-ramps in the City;
 - b. Extending the use of intelligent transportation systems on I-5 through the City.
5. Develop specific transportation plans for the north and south portal areas to more specifically identify street uses, traffic flows, and treatments. This work should also implement other recommendations of the Center City Strategy.